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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GILDARDO PEREZ AVILEZ,  
  
Defendant.

CASE NO. 2:22-CR-00167-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
  
DATE: October 16, 2023  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 16, 2023.
2. By this stipulation, defendant now moves to continue the status conference until February 26, 2024 at 9:00 a.m., and to exclude time between October 16, 2023, and February 26, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) Counsel for defendant desires additional time review the discovery, meet with her client, conduct defense investigation, and otherwise prepare for trial. In addition, counsel for defendant has made specific discovery requests to the United States. Counsel will need time to review the additional discovery that will be produced responsive to this request.

b) Counsel for defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

c) The government does not object to the continuance.

d) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 16, 2023 to February 26, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 11, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JUSTIN L. LEE  
JUSTIN L. LEE  
Assistant United States Attorney

Dated: October 11, 2023

/s/ DINA SANTOS  
DINA SANTOS  
Counsel for Defendant  
GILDARDO PEREZ AVILEZ

**ORDER**

IT IS SO FOUND AND ORDERED.

Dated: October 13, 2023



**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**